



**STATE OF NEVADA
COMMISSION ON ETHICS**

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**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

The Commission on Ethics held a public meeting on
Wednesday, July 17, 2019, at 9:30 a.m.
at the following location:

**Nevada State Capitol Building
Guinn Room
101 N. Carson Street, Second Floor
Carson City, NV 89701**

and via video-conference to:

**Governor's Conference Room
Grant Sawyer State Office Building
555 E. Washington Avenue, Suite 5100
Las Vegas, NV 89101**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts are available for public inspection at the Commission's office.

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. appeared in Carson City and called the meeting to order at 9:30 a.m. Also appearing in Carson City were Commissioners Brian Duffrin and Barbara Gruenewald, Esq. Appearing in Las Vegas were Vice-Chair Keith A. Weaver, Esq. and Commissioner Teresa Lowry, Esq. Commissioners Philip K. (P.K.) O'Neill and Amanda Yen, Esq. appeared telephonically. Commissioner Kim Wallin, CPA was excused. Present for Commission staff in Carson City were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Judy Prutzman, Esq. and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

The Chair asked for public comment. No public comment was provided.

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3. Election of Commission Chair and Vice Chair for Fiscal Year 2019-20, pursuant to NAC 281A.150.

Commissioner Gruenewald moved to reappoint Commissioner Lau as Chair and Commissioner Weaver as Vice-Chair. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

Executive Director Nevarez-Goodson informed the Commission that the Chair and the Vice-Chair are serving the last year of their second terms and suggested that any other Commissioners interested in serving as Chair or Vice-Chair after this year could request coordinated training with the presiding Officer.

Chair Lau thanked the Commissioners for their confidence in her as the Chair.

4. Approval of Minutes of the May 22, 2019 Commission Meeting.

Chair Lau stated that all Commissioners were present for the May meeting except Vice-Chair Weaver who was excused from that meeting and would abstain from participating in this item.

Commission Counsel Tracy Chase informed the Commission that upon reviewing the minutes some clerical typos were identified and she asked that the Commission give the Executive Director and Commission Counsel authority to correct the minutes within the motion approving the minutes.

Commissioner Duffrin moved to approve the May 22, 2019 Minutes with the clerical errors corrected. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner O'Neill:	Aye.
Commissioner Yen:	Aye.
Vice-Chair Weaver:	Abstain.

5. Discussion and direction to the Executive Director to inform the Board of Examiners and the Interim Finance Committee of significantly increased case load (Advisory and Complaint cases) and request additional Interim resources, including, without limitation, a temporary contract investigator and/or attorney position, to maintain statutory deadlines for jurisdictional determinations, investigations, review panel determinations, hearings, and other proceedings.

Executive Director Nevarez-Goodson referred the Commissioners to the current case statistics provided in the meeting materials and pointed out that the investigatory case load had doubled from last year. She added that staff continues to investigate Complaints received from the prior Fiscal Year in addition to the new complaints received, and it has been difficult to keep up with the volume of investigatory demands. In particular, Executive Director Nevarez-Goodson noted that many subjects are not waiving statutory deadlines which increases the demands on staff. She reiterated the Commission's bill did not pass and included a provision allowing for extensions of investigatory deadlines for good cause. She stated that she does not yet have a specific plan to propose to the Interim Finance Committee (IFC) and the Board of Examiners (BOE) but asked that the Commission to consider a proposal for either a temporary contract position or a request to the Attorney General's office to assist with pending investigations. In considering the latter option she provided insight as to why the Commission has not previously utilized the Attorney General's office for assistance and offered the following:

1. The Attorney General and his staff are subject to the Commission's jurisdiction;
2. The Commission has a duty to refer a willful violation of the Ethics Law to the Attorney General's office which it believes to also constitute criminal conduct;
3. The Attorney General's office is responsible for representing state public officers and employees before the Commission.

Executive Director Nevarez-Goodson shared her opinion that working with an independent contractor would be the better option to maintain separation between the Commission and the Attorney General's office. She asked the Commission for the authority to proceed with requesting additional resources from IFC and BOE if the needs require it and the Governor's office is in support.

Commissioner O'Neill commented that he agreed with the Executive Director's stance on asking the Attorney General's office for assistance and asked that the Commission approve the Executive Director's proposal prior to submission to IFC and BOE. Executive Director Nevarez-Goodson confirmed that the Commission would have the opportunity to provide final approval before she proceeded with any such request, and she outlined the process for IFC and BOE submittal.

Commissioner Gruenewald moved to approve the Executive Director's request to request additional interim services including a temporary contract investigator and/or attorney position. Commissioner Lowry seconded the Motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice-Chair Weaver:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Gruenewald:	Aye.
Commissioner Lowry:	Aye.
Commissioner O'Neill:	Aye.
Commissioner Yen:	Aye.

6. Discussion and consideration of Proposed Stipulation regarding Ethics Complaint Case No. 19-018C (Tull). (Portions of this Item may be exempt from Nevada's Open Meeting Law, See Notes)

Chair Lau stated that as members of the Review Panel considering this Item, Commissioners Gruenewald, O'Neill and Wallin were excused from participating in this matter.

Commission Counsel Chase stated that pursuant to NRS 281A.220 (4), Commissioners who served as members of the Review Panel in this case would be precluded from participating further in this matter and the statute further reduces the required quorum necessary to act in this matter.

Chair Lau asked the parties in the Complaint to come forward and identify themselves for the record. Appearing before the Commission in this matter was Associate Counsel Judy A. Prutzman, Esq., representing the Executive Director and Mike Pavlakis, Esq., representing Subject Cathy Tull, who was not in attendance.

Associate Counsel Prutzman provided a brief overview of the Proposed Stipulation Agreement. Associate Counsel Prutzman summarized that Complaint Case No. 19-018C, which alleged that Cathy Tull, the former Chief Marketing Officer for the Las Vegas Convention and Visitors Authority (LVCVA), violated the Ethics Law when she used \$6,000 worth of Southwest Airlines gift cards purchased by LVCVA for personal travel for herself and family members. Associate Counsel Prutzman informed the Commission that a Review Panel consisting of three members of the Commission determined that just and sufficient case exists for the Commission to render an Opinion regarding the allegations that implicate NRS 281A.400 (1), (2), (7) and (9).

The Proposed Stipulation reflects that Ms. Tull's conduct would result in one willful violation of the Ethics Law implicating NRS 281A.400 subsections (1), (2), (7) and (9) of the Ethics Law and a \$4,500 civil penalty for the violation. Associate Counsel Prutzman offered that Ms. Tull's use of the gift cards over several years warranted the significant civil penalty proposed in the Agreement. She further provided that an additional penalty in the amount of \$4,200 would be imposed and is equal to a portion of the financial benefit realized by Ms. Tull in the utilization of the gift cards for her and her family's personal travel. Associate Counsel Prutzman summarized the total penalty owed by Ms. Tull would be \$8,700 and the penalty may be collected by the Commission in monthly installments with the full amount due in approximately two years. She outlined mitigating factors taken into account to reach the penalty amounts proposed in the Agreement.

Mike Pavlakis, Esq., legal counsel for Subject Tull, stated that he had nothing to add.

Chair Lau asked if the Commission had questions for either party.

Commissioner Duffrin asked Associate Counsel Prutzman to clarify that the total financial benefit realized by Ms. Tull included travel by Tull and members of her family and Associate Counsel Prutzman confirmed. Commissioner Duffrin asked a follow-up question regarding whether Ms. Tull provided the Commission with an accounting of travel funds utilized and Associate Counsel Prutzman answered that Ms. Tull was responsive when questioned about the funds. Executive Director Nevarez-Goodson further informed Commissioner Duffrin that the accounting of the travel funds was provided and confirmed by Southwest Airlines.

Commissioner Lowry moved to approve the Proposed Stipulation in Ethics Complaint Case No. 19-018C in the matter of Tull. Commissioner Yen seconded the Motion. Commission Counsel asked Commissioner Lowry to include in her motion authority for Commission Counsel to finalize the form with the parties. Commissioner Lowry amended her motion to include the Commission Counsel's request. Commissioner Yen amended her second of the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Vice-Chair Weaver:	Aye.
Commissioner Duffrin:	Aye.
Commissioner Lowry:	Aye.
Commissioner Yen:	Aye.

7. Report and recommendations by Executive Director on agency status and operations and possible direction thereon. Items to be discussed include, without limitation:

- Quarterly Case Status Update
- Complaint/ Advisory Cases by City and County (FY17-FY19) Update
- Upcoming Commission Meetings
- FY19 Budget Status
- 2019 Legislative Recap

Quarterly Case Status Update: Executive Director Nevarez-Goodson provided an update on the quarterly Case Status Log reflecting the full data through the end of Fiscal Year 2019. She reiterated that the Commission has seen a significant increase in the number of both Complaints and Advisory Requests received as compared to the previous Fiscal Year.

Complaint/ Advisory Cases by City and County (FY17-FY19): Executive Director Nevarez-Goodson referred the Commission to the updated breakdown of Complaints and Advisory Opinions by city/county, a copy of which was provided in their materials. She informed the Commission that this information would be reported in the annual report at the next Commission meeting.

Upcoming Commission Meetings: Executive Director Nevarez-Goodson indicated that due to the amount of cases being processed she would ask the Commissioners to reserve the third Wednesday of the month for Commission Meetings for the foreseeable future. She noted that the November and December meetings would be held on the second Wednesday of the month to accommodate Holiday schedules. She informed the Commission that there will be an increase in the number of upcoming panels and identified the assigned panel Members for the next quarter as Commissioner Duffrin serving as the presiding Officer and Commissioners Lowry and Yen. She asked the panel members to reserve August 5 for a panel hearing.

FY19 Budget Status: Executive Director Nevarez-Goodson informed the Commission that the FY19 allocated funds had been almost completely expended as expected. She let them know that a final work program was being processed to fund the COLA's approved for FY19 from the State General fund. She informed the Commission that remaining FY19 travel funds were expended for rural training in Lovelock, Winnemucca, Battle Mountain, Elko, Ely, Eureka and Churchill counties conducted by the Executive Director and Commission Counsel. She added that as a result of the trainings the Commission has received numerous Acknowledgment filings and six new Requests for Advisory Opinions. Executive Director Nevarez-Goodson informed the Commission of her plans to provide a similar training in the fall for Southern Nevada.

2019 Legislative Recap: The Executive Director reiterated that the Commission's bill (SB 129) did not pass through the Assembly and that the failure of SB 129 to pass has lasting consequences as far as the current caseload is concerned, as well as some of the Commission's processes. She expressed her intention to pursue the same bill amendments at the next Legislative session if that was the will of the Commission. She provided that she is working with a new liaison with the Governor's office to assist the Commission regarding bill amendments in the future. She offered that staff is considering possible amendments through the regulatory process and will assess whether this an efficient resolution.

Executive Director closed her report with an expression of her appreciation to Commission staff for their hard work under the increased case load.

Commissioner Gruenewald moved to approve the report of the Executive Director on agency status. Chair Lau seconded the motion. The motion was put to a vote and carried unanimously.

8. Commissioner comments and identification of future agenda items. No action will be taken under this agenda item.

Commissioner O'Neill requested a status update on the case he previously requested be added to the Agenda in regard to referring a case to the Attorney General's office. Commission Counsel Chase informed him that the matter will be included for the next Commission meeting.

9. Public Comment.

No public comment.

10. Adjournment.

Commissioner Gruenewald made a motion to adjourn the public meeting. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 10:14 a.m.

Minutes prepared by:

[/s/ Kari Pedroza](#)

Kari Pedroza
Executive Assistant

[/s/ Yvonne M. Nevarez-Goodson](#)

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved August 21, 2019:

[/s/ Cheryl A. Lau](#)

Cheryl A. Lau, Esq.
Chair

[/s/ Keith A. Weaver](#)

Keith A. Weaver, Esq.
Vice-Chair